

## **REMARKS / ARGUMENTS**

### **Status of Claims**

Claims 1-11, 21-31, and 41-51 are pending in the application. Claims 1-11, 21-31, and 41-51 stand rejected. Applicant has amended Claims 1, 2, 21, 22, and 41-51, leaving Claims 1-11, 21-31 and 41-51 for consideration upon entry of the present Amendment.

Applicant respectfully submits that the rejections under 35 U.S.C. §112, second paragraph, 35 U.S.C. §101, and 35 U.S.C. §102 (b), and 35 U.S.C. §103 (a) have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

### **Rejections Under 35 U.S.C. §112, Second Paragraph**

Claims 41-51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner indicated that it is not clear what the term “model” signifies. Accordingly, claims 41-51 have been amended by changing the term “model” to “system”. No new matter has been added. The systems of claims 41-51 are described throughout the specification, for example, at paragraphs [0022] to [0037] and [0043], and also with reference to FIG. 1. In view of these changes, Applicants submit that the claims 41-51 now meet all applicable requirements of 35 USC 112.

### **Rejections Under 35 U.S.C. §101**

Claims 41-51 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. The Examiner asserts that the claimed subject matter does not fall within the statutory classes listed in 35 USC 101. As indicated previously, claims 41-51 have been amended by changing the term “model” to “system”. No new matter has been added. The systems of claims 41-51 are described throughout the specification, for example, at paragraphs [0022] to [0037] and [0043], and also with

reference to FIG. 1. Moreover, pursuant to 35 USC 101, a “system” is recognized as statutory subject matter. In view of these changes, Applicants submit that the claims 41-51 now meet all applicable requirements of 35 USC 101.

**Rejections Under 35 U.S.C. §102(b)**

Claims 1-11, 21-31 and 41-51 were rejected under 35 U.S.C.102(b) as being anticipated by Scott Oaks (hereinafter referred as Scott) (Java security May 2001 XP002321663). Applicants traverse this rejection for the following reasons. It is respectfully submitted that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, *in a single prior art reference.*” *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the \*\*\* claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Furthermore, the single source must disclose all of the claimed elements “arranged as in the claim.” *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Applicants have amended independent claims 1, 21, and 41 to now recite, inter alia, “wherein the trusted dictionary comprises a subclass of a standard base class dictionary using any class that allows a storing and a retrieving of data values, wherein the trusted dictionary contains keywords and values encrypted with a secret including a key, and wherein the trusted dictionary includes a list of public keys”. No new matter has been added by these amendments as antecedent support may be found in the specification as originally filed, such as at paragraphs [0065], [0068] and [0072], for example.

With regard to Scott, the passages cited by the Examiner describe signed classes. Scott indicates that one of the primary applications of digital signatures in Java is to create and verify signed classes. More specifically, a policy file can insist that classes coming from a particular site be signed by a particular entity before the access controller will grant that particular set of permissions. Scott states that the security manager can cooperate with the class loader in order to determine whether or not a particular class is signed. The security manager is then free to grant permissions to that class based upon its own internal policy. The digital signatures are created and verified by using a jarsigner utility to create the signed class. A class loader knows how to understand the digital signature associated with the class. A security manager or access controller then grants the desired permissions based upon the digital signature.

Although Scott deals with creation and verification of digital signatures, Scott fails to disclose or suggest many of the features claimed by Applicants in independent claims 1, 21, and 41. For example, Scott fails to disclose or suggest "wherein the trusted dictionary comprises a subclass of a standard base class dictionary using any class that allows a storing and a retrieving of data values". Scott also fails to disclose or suggest "wherein the trusted dictionary contains keywords and values encrypted with a secret including a key". Moreover, Scott fails to disclose or suggest "wherein the trusted dictionary includes a list of public keys".

In view of the foregoing considerations, it is submitted that claims 1, 21, and 41 cannot be anticipated by the Scott reference. It is further submitted that claims 1, 21, and 41 are allowable over the prior art of record. Dependent claims inherit all limitations of the corresponding base claim and any intervening claims. Thus, since claims 2-11 depend from claim 1, it is submitted that, as a matter of law, claims 2-11 are allowable because claims 2-11 depend from an allowable base claim. Similarly, since claims 22-31 depend from claim 21, it is submitted that, as a matter of law, claims 22-31 are allowable because claims 22-31 depend from an allowable base claim. Moreover, since claims 42-51 depend from claim 41, it is submitted that, as a matter of law, claims 42-51 are allowable because claims 42-51 depend from an allowable base claim.

**Rejections Under 35 U.S.C. §103(a)**

Claims 6, 26, and 46 were rejected under 35 U.S.C. 103(a) as being unpatentable over Scott in view of Levy et al. (hereinafter referred to as Levy), U.S. Patent No. 6,092,147. Claim 6 depends from independent claim 1, whereas claim 26 depends from independent claim 21 and claim 46 depends from independent claim 41. As indicated above, claims 1, 21 and 41 have been amended to recite, *inter alia*, “wherein the trusted dictionary comprises a subclass of a standard base class dictionary using any class that allows a storing and a retrieving of data values, wherein the trusted dictionary contains keywords and values encrypted with a secret including a key, and wherein the trusted dictionary includes a list of public keys”. Neither Scott nor Levy disclose such limitations. Scott was discussed previously with regard to the Examiner’s 35 USC 102 rejection.

Levy describes a system for executing a software application. A plurality of hardware independent bytecodes are generated by a computing system. A virtual machine, in conjunction with a remote verification mechanism, cooperate to receive and execute the plurality of bytecodes. However, Levy fails to disclose Applicants’ claimed features wherein the trusted dictionary comprises a subclass of a standard base class dictionary using any class that allows a storing and a retrieving of data values. Levy also fails to disclose the trusted dictionary containing keywords and values encrypted with a secret including a key. Additionally, Levy fails to disclose that the trusted dictionary includes a list of public keys. Accordingly, it is submitted that claims 6, 26, and 46 are patentable over Scott in view of Levy.

In view of the foregoing, Applicants submit that Scott and Levy fail to teach or suggest each and every element of the claimed invention and are therefore wholly inadequate in their teaching of the claimed invention as a whole, fail to motivate one skilled in the art to do what the patent Applicants have done, fail to recognize a problem recognized and solved only by the present invention, fail to offer any reasonable expectation of success in combining the References to perform as the claimed invention performs, fail to teach a modification to prior art that does not render the prior art being

modified unsatisfactory for its intended purpose, and disclose a substantially different invention from the claimed invention, and therefore cannot properly be used to establish a *prima facie* case of obviousness. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection under 35 U.S.C. §103(a), which rejection Applicants consider to be traversed.

Claims 10-11, 30-31 and 50-51 were rejected under 35 U.S.C. 103(a) as being unpatentable over Scott in view of Watson (US Pub No. 2005/0204126 A1). Claims 10-11 depend from independent claim 1, whereas claims 30-31 depend from independent claim 21 and claims 50-51 depend from independent claim 41. As indicated above, claims 1, 21 and 41 have been amended to recite, *inter alia*, “wherein the trusted dictionary comprises a subclass of a standard base class dictionary using any class that allows a storing and a retrieving of data values, wherein the trusted dictionary contains keywords and values encrypted with a secret including a key, and wherein the trusted dictionary includes a list of public keys”. Neither Scott nor Watson disclose such limitations. Scott was discussed previously with regard to the Examiner’s 35 USC 102 rejection.

Watson describes a software based environment for providing secured authentication of media downloaded from a network or loaded from a media player. The environment includes two peer-mode operating virtual machines provided in the form of a low-level virtual machine and a high-level virtual machine. The high-level virtual machine provides application-level functions such as user interfacing mechanisms and input/output. The low-level virtual machine provides decoding and decryption functions. However, Watson fails to disclose Applicants’ claimed features wherein the trusted dictionary comprises a subclass of a standard base class dictionary using any class that allows a storing and a retrieving of data values. Watson also fails to disclose the trusted dictionary containing keywords and values encrypted with a secret including a key. Additionally, Watson fails to disclose that the trusted dictionary includes a list of public

keys. Accordingly, it is submitted that claims 10-11, 30-31 and 50-51 are patentable over Scott in view of Watson.

In view of the foregoing, Applicants submit that Scott and Watson fail to teach or suggest each and every element of the claimed invention and are therefore wholly inadequate in their teaching of the claimed invention as a whole, fail to motivate one skilled in the art to do what the patent Applicants have done, fail to recognize a problem recognized and solved only by the present invention, fail to offer any reasonable expectation of success in combining the References to perform as the claimed invention performs, fail to teach a modification to prior art that does not render the prior art being modified unsatisfactory for its intended purpose, and disclose a substantially different invention from the claimed invention, and therefore cannot properly be used to establish a *prima facie* case of obviousness. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection under 35 U.S.C. §103(a), which rejection Applicants consider to be traversed.

In light of the forgoing, Applicant respectfully submits that the Examiner's rejections under 35 U.S.C. §112, second paragraph, 35 U.S.C. §101, 35 U.S.C.102(b), and 35 U.S.C.102(b) have been traversed, and respectfully requests that the Examiner reconsider and withdraw these rejections.

If a communication with Applicant's Attorneys would assist in advancing this case to allowance, the Examiner is cordially invited to contact the undersigned so that any such issues may be promptly resolved.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to 06-1130

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

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